

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

ORIGINAL

-----X
COLD STONE CREAMERY, INC.,
An Arizona Corporation, and
COLD STONE CREAMERY LEASING
COMPANY, INC.,
An Arizona Corporation,

Plaintiffs,

v.

BLUE ICE CREAMERY, INC.,
A New York Corporation,
STARRY NIGHTS, INC.,
A New York Corporation,
THE STONE AT LYNBROOK, INC.,
A New York Corporation,
SPARKY'S DELIGHTS, INC.,
A New York Corporation,
THE STONE AT MELVILLE, INC.,
A New York Corporation,
MARC MANDELBAUM,
A Resident of the State of New York,
ROY MANDELBAUM,
A Resident of the State of New York,
ERIC LEVINE,
A Resident of the State of New York,
KAREN LEVINE,
A Resident of the State of New York, and
AMY GREENBERG,
A Resident of the State of New York,

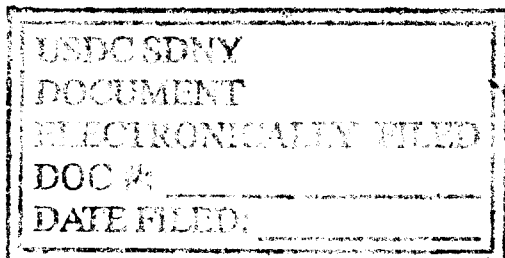
Defendants.
-----X

C.A. No. 07-CIV-6705 (wcc)

ECF CASE

PARTIAL
NOTICE OF DISMISSAL
AND ORDER

Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiffs Cold Stone Creamery, Inc., and Cold Stone Creamery Leasing Company, Inc., hereby give notice of the dismissal, with prejudice, of all claims against Defendants Blue Ice Creamery, Inc.; Starry Nights, Inc.; The Stone at Lynbrook, Inc.;

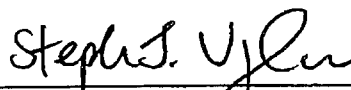


E-
COPIES / MAILED TO COUNSEL OF RECORD

The Stone at Melville, Inc.; Marc Mandelbaum; Roy Mandelbaum; Eric Levine; and Karen Levine.

Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiffs Cold Stone Creamery, Inc., and Cold Stone Creamery Leasing Company, Inc., also give notice of the dismissal, without prejudice, of all claims against Defendant Sparky Delights, Inc.

Respectfully submitted,



Stephen J. Vaughan (S) 2990)
stephen.vaughan@gpmlaw.com
GRAY, PLANT, MOOTY, MOOTY
& BENNETT, P.A.
2600 Virginia Avenue, N.W., Suite 1111
Washington, DC 20037
Telephone: (202) 295-2200
Facsimile: (202) 295-2250

Ronald Degen, Esq. (RD 7808)
Scott Goldfinger, Esq. (SC 9219)
O'ROURKE & DEGEN, PLLC
225 Broadway, Suite 715
New York, New York 10007
Telephone: (212) 227-4530
Facsimile: (212) 385-9813
E-mail: rdegen@odlegal.co

Attorneys for Plaintiffs
Cold Stone Creamery, Inc. and Cold Stone
Creamery Leasing, Inc.

SO ORDERED.

Dated: White Plains, NY
April 25, 2008



WILLIAM C. CONNER, Senior U.S.D.J.